

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Naomi YAMAKAWA et al.)	
)	
Serial No.	:	10/590,122)	
)	
Cnfrm. No.	:	9927)	Examiner: Amber D. Steele
)	
Filed	:	August 18, 2006)	Art Unit: 1639
)	
For	:	DNA ARRAY FOR ANALYZING DNA)	
		METHYLATION, METHOD OF PRODUCING)	
		THE SAME AND METHOD OF ANALYZING)	
		DNA METHYLATION)	

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Mail Stop AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On September 28, 2009, the Examiner issued an Election of Species Requirement in the above-identified application.

As set forth in the Requirement, the Examiner asserts that the claims currently under examination (i.e., claims 10 and 14-19) include multiple species of method of performing step (2) of claim 10. Therefore, the Examiner now requires that applicants elect a single, specific species of method of performing step (2).

In response, applicants hereby elect, without traverse, the method of performing step (2) as recited in claim 16. Applicants submit that claims 10 and 14-16 are all readable on the elected species identified above. Upon allowance of a generic claim, applicants are entitled to and reserve the right to claim additional non-elected species that fully embrace the allowed generic claim.

Although this election of species is being made without traverse, applicants respectfully request that the Examiner clarify, in the next Office Action, whether the method of performing step (2) as set forth in claim 18 should be considered along with that of claim 16. Claim 18 is identical to claim 16 (elected), except that claim 18 depends from claim 15, while claim 16 depends from claim 14. If the Examiner concludes that the methods of performing step (2) as set forth in claims 16 and 18 should be included in the same species (as hereby elected), applicants assert that claims 10, 14-16, and 18 are readable on that species (i.e., the species of claims 16 and 18).

If any unresolved issues remain that might prevent the prompt allowance of the present application, the Examiner is respectfully encouraged to contact the undersigned at the telephone number listed below to discuss these issues.

Because the present response is being submitted by the one-month shortened statutory period, no extension fee is required. However, the Commissioner is hereby authorized to charge any fees that may have been overlooked, or to credit any overpayments of fees, to Deposit Account No. 08-1935.

Respectfully submitted,

HESLIN ROTHENBERG FARLEY & MESITI P.C.

By: /Andrew K. Gonsalves/

Dated: **October 25, 2009**

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